

January 24, 1975

yesterday and I'm standing by this agreement, therefore, I support Senator Warner's motion. To lay this over and do what we said we were going to do yesterday. Get the information ready and then debate it on Thursday. Otherwise, I am ready to go right now.

SPEAKER: The chair recognizes Senator Chambers. Senator Chambers, for what purpose do you arise?

SENATOR CHAMBERS: Mr. President, we are discussing a motion and I rise to discuss the motion.

SPEAKER: Warner motion.

SENATOR CHAMBERS: Yes, and if Senator Warner would yield to a question, I would like to pose one for him.

SENATOR WARNER: Yes.

SENATOR CHAMBERS: Senator Warner, by your motion to lay Senator Cavanaugh's motion over until Thursday, and this is for clarification, are you saying that if there are Senators who want to get all, or get at all of the information that the Committee has on hand right now, that could not be done until Thursday?

SENATOR WARNER: No sir. Senator Chambers, the--as is true with the operation of any Committee, the records which have been filed or considered, obviously, are available. My question because I don't--I'm not clear as to how broad Senator Cavanaugh is interpreting his motion to be, my concern is one and that is that it is proper that the Legislature must dispose of the question of whether or not it has the authority to proceed or wishes to proceed before we get into the merits of the contested election itself. It seems to me that it would be proper to dispose of that question first and then at that point whether the Legislature wants to act as a Committee as a whole from then on, if they decide to proceed, with everything duplicated, fine. If they wish to have the Committee to continue, fine. I was ready to make that decision yesterday as far as presenting the information to the body but it seems to me that because of the--I sometimes have the feelings, and I'm not talking about--this is a personal feeling that I sometimes get that there seems to be forgotten by some around the state and I'm not talking about members of the Legislature, that there are rights to be considered by all parties involved in this election and there are due process to be considered in the rights of all parties in this election. And one of those due process decisions, a procedural due process decision, which seems to me must be considered, is whether or not it is, the contest, is in proper form before the Legislature. If they decide that it is, fine. Then it proceeds. If they decide it was not according to the provision of the law, then, to me, we could, at least possibly, prejudice one of the parties involved by taking an action before we resolve that first question.

SPEAKER: Senator Schmit.

SENATOR SCHMIT: Mr. President, a question of Senator Warner, please. Senator Warner, would you yield please.

SENATOR WARNER: Yes.